

AMENDED IN SENATE APRIL 19, 2016

AMENDED IN SENATE MARCH 31, 2016

**SENATE BILL**

**No. 899**

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**Introduced by Senator Hueso**

(Principal coauthor: Assembly Member Gonzalez)

**(Coauthor: Senator Hall)**

(Coauthor: Assembly Member Campos)

January 21, 2016

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An act to amend Section 51.6 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as amended, Hueso. Gender discrimination.

Existing law prohibits a business establishment from discriminating against a person because of the person's gender with respect to the price charged for services of similar or like kind.

This bill would also prohibit ~~this discrimination because of a person's gender~~ with respect to the price charged for ~~goods~~. *goods of a substantially similar or like kind, except for food, as defined. The bill would specify that a price difference based specifically on labor, materials, tariffs, or other gender-neutral reasons for having an increased cost of providing the goods is not included within this prohibition.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 51.6 of the Civil Code is amended to read:

51.6. (a) This section shall be known, and may be cited, as the Gender Tax Repeal Act of 1995.

(b) (1) No business establishment of any kind whatsoever may discriminate, with respect to the price charged for ~~goods or~~ services of similar or like kind, against a person because of the person's gender.

(2) *No business establishment of any kind whatsoever may discriminate, with respect to the price charged for goods of a substantially similar or like kind, against a person because of the person's gender.*

(c) Nothing in *paragraph (1)* of subdivision (b) prohibits price differences based specifically upon the amount of time, difficulty, or cost of providing the services.

(d) *Nothing in paragraph (2) of subdivision (b) prohibits price differences based specifically on the labor, materials, tariffs, or other gender-neutral reasons for having increased cost for providing the goods.*

(e) (1) *For purposes of paragraph (2) of subdivision (b), goods may be of a substantially similar or like kind if the goods do all of the following:*

(A) *Share the same brand.*

(B) *Share the same functional components.*

(C) *Share 90 percent of the same materials or ingredients.*

(2) *"Goods" shall not include any "food," as defined by Section 12502 of the Food and Agricultural Code.*

~~(d)~~

(f) Except as provided in subdivision ~~(f)~~, (h), the remedies for a violation of this section are the remedies provided in subdivision (a) of Section 52. However, an action under this section is independent of any other remedy or procedure that may be available to an aggrieved party.

~~(e)~~

(g) This act does not alter or affect the provisions of the Health and Safety Code, the Insurance Code, or other laws that govern health care service plan or insurer underwriting or rating practices.

~~(f)~~

1 (h) (1) The following business establishments shall clearly and  
2 conspicuously disclose to the customer in writing the pricing for  
3 each standard service provided:

4 (A) Tailors or businesses providing aftermarket clothing  
5 alterations.

6 (B) Barbers or hair salons.

7 (C) Dry cleaners and laundries providing services to individuals.

8 (2) The price list shall be posted in an area conspicuous to  
9 customers. Posted price lists shall be in no less than 14-point  
10 boldface type and clearly and completely display pricing for every  
11 standard service offered by the business under paragraph (1).

12 (3) The business establishment shall provide the customer with  
13 a complete written price list upon request.

14 (4) The business establishment shall display in a conspicuous  
15 place at least one clearly visible sign, printed in no less than  
16 24-point boldface type, which reads: "CALIFORNIA LAW  
17 PROHIBITS ANY BUSINESS ESTABLISHMENT FROM  
18 DISCRIMINATING, WITH RESPECT TO THE PRICE  
19 CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND,  
20 AGAINST A PERSON BECAUSE OF THE PERSON'S  
21 GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON  
22 REQUEST."

23 (5) A business establishment that fails to correct a violation of  
24 this subdivision within 30 days of receiving written notice of the  
25 violation is liable for a civil penalty of one thousand dollars  
26 (\$1,000).

27 (6) For the purposes of this subdivision, "standard service"  
28 means the 15 most frequently requested services provided by the  
29 business.